

Implementing New Authority Provided by the Bipartisan Budget Act of 2018 (P.L. 115-123)

The Bipartisan Budget Act of 2018 revised section 1868(c) of the Social Security Act to provide new authority to the Physician-Focused Payment Model Technical Advisory Committee (PTAC) to provide “initial feedback” to submitters of proposed models, as shown in redline text below.

<p>c)PHYSICIAN-FOCUSED PAYMENT MODELS. —</p> <p>(1)TECHNICAL ADVISORY COMMITTEE. — . . .</p> <p>(2)CRITERIA AND PROCESS FOR SUBMISSION AND REVIEW OF PHYSICIAN-FOCUSED PAYMENT MODELS.</p> <p>(A)CRITERIA FOR ASSESSING PHYSICIAN-FOCUSED PAYMENT MODELS. — . . .</p> <p>(B) STAKEHOLDER SUBMISSION OF PHYSICIAN-FOCUSED PAYMENT MODELS. . .</p> <p>(C) COMMITTEE REVIEW OF MODELS SUBMITTED. — The Committee shall, on a periodic basis—</p> <p>(i) shall review models submitted under subparagraph (B);</p> <p>(ii) may provide individuals and stakeholder entities who submitted such models with—</p> <p>(I) initial feedback on such models regarding the extent to which such models meet the criteria described in paragraph (A); and</p> <p>(II) an explanation of the basis for the feedback provided under subclause (I); and</p> <p>(iii) shall prepare comments and recommendations regarding whether such models meet the criteria described in subparagraph (A), and submit such comments and recommendations to the Secretary.</p> <p>(D) SECRETARY REVIEW AND RESPONSE. — The Secretary shall review the comments and recommendations submitted by the Committee under subparagraph (C) and post a detailed response to such comments and recommendations on the Internet website of the Centers for Medicare& Medicaid Services. . . .</p>

This new authority will be implemented consistent with the policies below. These policies will be revised as the Committee gains experience with providing initial feedback.

1. Initial feedback may be given only to stakeholders who submit written proposals that meet PTAC’s existing proposal completeness criteria. See page 19 of the [PTAC Submitter Instructions](#) for the completeness checklist.
2. Initial feedback (when provided) will be given by PTAC subcommittees known as Preliminary Review Teams (PRTs) at the discretion of the PRT reviewing a proposal.
3. Consistent with the statutory authority above, initial feedback will consist of (1) the extent to which a proposed model meets the Secretary’s criteria and (2) “an explanation of the basis for the feedback.” As such, initial feedback may identify (at the discretion of each PRT) shortcomings, strengths, or both of submitted models relative to the Secretary’s criteria for PFPs published at 42 CFR § 414.1465 and available on page 9 of the [PTAC Submitter Instructions](#).

4. PTAC and PTAC PRT members will not provide:
 - Instructions to the submitter on how to remedy or fix any identified shortcoming(s);
 - Data or analyses whose only purpose is to aid further development of a proposal;
 - Individualized consultation by themselves or through a consultant; or
 - Technical assistance in the development of the proposed model.
5. Initial feedback might not always represent the unanimous conclusions of the PRT. When PRT members hold diverse opinions, the initial feedback will convey these differences.
6. Initial feedback will be provided in writing and will be posted to the PTAC section of the Assistant Secretary for Planning and Evaluation (ASPE) [website](#) as part of PTAC's public record of its review of the proposal, including any supporting data the PRT used to inform its feedback. If a PRT subsequently holds a conference call with the submitter, the initial feedback already given may be reviewed, and a transcript of that call will be made public.
7. Initial feedback will carry a disclaimer that:
 - *“Initial feedback is preliminary feedback from a Preliminary Review Team (PRT) subcommittee of the PTAC and does not represent the consensus or position of the full PTAC;*
 - *Initial feedback is not binding on the full Committee. PTAC may reach different conclusions from that communicated from the PRT as initial feedback; and*
 - *Provision of initial feedback will not limit the PRT or PTAC from identifying additional weaknesses in a submitted proposal after the feedback is provided.*
 - *Revising a proposal to respond to the initial feedback from a PRT does not guarantee a favorable recommendation from the full PTAC to the Secretary of Health and Human Services (HHS).”*
8. Upon receipt of initial feedback from the PRT a submitter may choose to:
 - Make no change to the submitted proposal and make no response to the PRT;
 - Make no change to the submitted proposal, but respond to the PRT in writing;
 - Withdraw the submitted proposal; or
 - Revise and resubmit the proposal to PTAC.*
9. Submitters who choose to respond to the initial feedback or formally revise and resubmit their proposal to PTAC should be aware that these actions may lengthen the amount of time it takes for PTAC to review, deliberate on, and vote on the submitted proposal.

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*PTAC encourages submitters to revise and resubmit proposals when key elements of the proposal are changed following submission or when the proposal would benefit from significant clarification. Revising the proposal ensures that PRT and PTAC members act on a complete submission. PTAC discourages submitters from proposing changes at the public meeting or immediately prior to the public meeting. Because PTAC members need sufficient time to review and reflect upon the final proposal prior to deliberation and voting, and because PTAC would be unable to obtain public comments on such changes prior to its vote, PTAC may choose to base its vote on the proposal as it was originally submitted (i.e., without the proposed changes).